

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
*Norfolk Division*

FILED  
IN OPEN COURT

JAN 10 2022

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

UNITED STATES OF AMERICA )  
v. ) ) Criminal No 2:21-cr-132  
FRANCIS PHILLIPPI HARKER, )  
Defendant. )

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the Indictment and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt with admissible and credible evidence:

1. In April 2021, the FBI office in Norfolk, Virginia, opened an investigation into FRANCIS PHILLIPPI HARKER, a Norfolk, Virginia resident, and member of the Virginia National Guard, based on information from an FBI office in Texas that HARKER was using an Instagram account to exchange messages with various Instagram users perpetuating plans for violence and indicating support of and an adherence to racially-motivated violent extremism.

2. Results from a search warrant revealed that on or about June 3, 2020, HARKER had a electronic conversation on social media with a like-minded individual regarding curfew enforcement and roadblocks in place due to the COVID-19 pandemic, in which the other man stated, “Getting real sick of the police state man . . . I’m about to say ‘fuck optics’ and go full

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Dorner.”<sup>1</sup> The conversation then shifted to the topic of “interrupting an unjust stop.” The other man stated, “If they’re setting up roadblocks, one might pop up near my house . . . and it’d be nice to interrupt an unjust stop,” to which HARKER replied, “That I think would be manageable.” The other man stated, “they’d probably call for backup when the music starts . . . and then my seat in the Golden Hall is assured.”<sup>2</sup> HARKER stated, “Alternatively, if your disruption is ranged in some form or fashion they’ll be pinned down for a hot second and short of kicking down every door on the block the back up won’t be able to find out where the disruption came from.” The other man stated, “Let me send a map of the ideal situation.” The map included an image of a shopping center in Virginia Beach with areas marked in blue for “line of sight” and red areas as “alleyways that are directly accessible via a ~ 100 m walk from my house.” The other man included other details such as “Egress through the service/loading lot of the shopping center because there’s pylons that won’t allow any vehicle larger than a motorbike to pass.” HARKER responded that it “looks good” and stated that the “fact that vehicles won’t be able to negotiate the terrain is really good.”

3. A Virginia State Police weapons check was conducted on or about March 26, 2021, and revealed that HARKER had purchased a Diamondback (“DB”)-15 rifle on June 3, 2020, which is the same date as the conversation described in the preceding paragraph. A Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473 confirms that a DB-15 rifle was purchased under the name of Francis HARKER at a Superior Pawn in Virginia Beach, Virginia. On or about

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<sup>1</sup> Christopher Dorner committed a series of shootings in California in February 2013. The victims were law enforcement officers and a daughter of a former police captain.

<sup>2</sup> The “Golden Hall” is a Norse mythology reference to a place where warriors go when they die. The reference is commonly used among white supremacist groups.

October 19, 2021, the manager at Superior Pawn confirmed that according to the store's records, Francis HARKER purchased the DB-15 rifle there on June 3, 2020, without a prior purchase order. On the ATF Form, HARKER attested that he was not an unlawful user of or addicted to any controlled substance, and that he recognized that a false statement could subject him to felony charges.

4. Further review of HARKER's social media account showed that during this same time period HARKER was regularly buying and using 3,4-methylenedioxy-methamphetamine (MDMA), also known as ecstasy, a Schedule I controlled substance. In one of the electronic conversations, HARKER admitted to a friend that even his orders in the National Guard did not stop him "from doing a bunch of drugs."

5. On November 4, 2021, the FBI executed a search warrant at HARKER's residence and recovered in his room a Diamondback .556 caliber semi-automatic rifle, a Taurus .22 caliber rifle, a Glock 17 Gen 5 9mm semi-automatic firearm, and a .410 barrel. HARKER admitted to possessing all of these items while he was regularly using controlled substances. All three firearms were manufactured outside the Commonwealth of Virginia. An ATF Form 4473 revealed HARKER had purchased the Glock firearm on or about March 24, 2021, and had again attested that he was not an unlawful user of or addicted to any controlled substance and that he recognized that a false statement could subject him to felony charges.

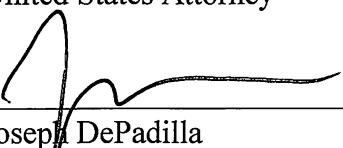
6. The FBI also recovered LSD and DMT in HARKER's room, which are both illegal controlled substances. HARKER also admitted to regularly possessing and using LSD at the same time he was possessing the firearms.

7. The acts taken by the defendant in furtherance of the offense charged in Count One of the Indictment, including the acts described above, were done willfully and knowingly with the

specific intent to violate the law. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case, and that it does not identify all of the persons with whom the defendant may have engaged in illegal activities.

Respectfully submitted,

Jessica Aber  
United States Attorney

By: 

Joseph DePadilla  
E. Rebecca Gantt  
Assistant United States Attorneys

After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



FRANCIS PHILLIPPI HARKER

I am Francis Phillipi Harker's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Keith Loren Kimball, Esq.  
Attorney for Francis Phillipi Harker